

Application No. 10/758,060
Amendment dated November 21, 2006
Reply to Office Action of August 11, 2006

REMARKS

Status Of Application

Claims 1-22 are pending in the application; the status of the claims is as follows:

Claims 1-10 and 12-22 (Office Action shows 12-20) are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,161,996 to Dolejsi ("Dolejsi").

Claims 1-10 and 12-22 (Office Action shows 12-20) are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,173,738 to Opara et al. ("Opara").

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, it is respectfully requested that the objection to claim 11 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, be reconsidered and withdrawn.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on January 15, 2004, is noted with appreciation.

Claim Amendments

Claims 1-3, 5, 8, 10-12, 14, 16 and 19 have been amended to more particularly point out and distinctly claim the subject matter of the invention. These changes do not introduce any new matter

Application No. 10/758,060
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35 U.S.C. § 102(b) Rejections

The rejections of claims 1-10 and 12-22 under 35 U.S.C. § 102(b) as being anticipated by Dolejsi, is respectfully traversed based on the following.

Claim 1 has been amended to recite, *inter alia*, “a cylindrical inner member fixedly disposed within the housing to form an annular slot therebetween, the cylindrical inner member having a closed upstream end, an open downstream end, and a plurality of radial openings near the upstream end.” That is, the housing and inner member define an annular slot in which the valve element is located, and the inner member has radial openings. It is respectfully submitted that Dolejsi fails to disclose the recited structure. For example, the only possible slot shown by Dolejsi is between housing 10 and depressed area 23. However, depressed area 23 does not have any radial openings and so, Dolejsi fails to disclose an inner member having a plurality of radial openings as recited in claim 1. Accordingly, Dolejsi is distinguished by claim 1, as well as by claims 2-11 which depend therefrom.

Claim 12 has been amended to recite, *inter alia*, “a partition disposed between the antechamber and the outflow path, and having a plurality of radial openings.” As provided above in regards to claim 1, this feature of claim 12 is not disclosed by Dolejsi. It is respectfully submitted, therefore, that Dolejsi is distinguished by claim 12 as well as by claims 13-18 which depend therefrom.

Claim 19 has been amended to recite, *inter alia*, “an inner portion disposed within the housing so as to define an annulus therebetween, and having a plurality of radial openings for providing fluid communication from the antechamber to the outflow path.” It is respectfully submitted that Dolejsi fails to disclose this feature of amended claim 19 for the reasons set forth above regarding claim 1. Therefore, Dolejsi is distinguished by claim 19, as well as by claims 20-22 which depend therefrom.

Application No. 10/758,060
Amendment dated November 21, 2006
Reply to Office Action of August 11, 2006

Accordingly, it is respectfully requested that the rejection of claims 1-10 and 12-22 under 35 U.S.C. § 102(b) as being anticipated by Dolejsi, be reconsidered and withdrawn.

The rejection of claims 1-10 and 12-22 under 35 U.S.C. § 102(b) as being anticipated by Opara, is respectfully traversed based on the following.

Claim 1 has been amended to recite, *inter alia*, “a valve element disposed within the annular slot and movable between a first position and a second position, wherein the valve element blocks fluid communication through the plurality of radial openings while in the first position.” That is, the housing and inner member define an annular slot in which the valve element is located. The inner member has radial openings that may be blocked by the valve element. It is respectfully submitted that Opara fails to disclose the recited structure. For instance, Opara only discloses that membrane 51 of the closed valve is seated against valve seat 19, an annular wall with a semi-circular front end. See column 2, lines 10-13 and column 2, lines 41-44. Opara fails to disclose a valve element that blocks fluid communication through radial openings as required by claim 1. It is respectfully submitted, therefore, that Opara is distinguished by claim 1, as well as by claims 2-11 which depend therefrom.

Claim 12 has been amended to recite, *inter alia*, “a valve element moveable between a first position interrupting fluid communication between the antechamber and the outflow path through the plurality of radial openings and a second position allowing fluid communication between the antechamber and the outflow path through the radial openings.” As provided above in regards to claim 1, this feature of claim 12 is not disclosed by Opara. It is respectfully submitted, therefore, that Opara is distinguished by claim 12 as well as by claims 13-18 which depend therefrom.

Claim 19 has been amended to recite, *inter alia*, “a valve element moveable in the longitudinal direction between a first position adjacent the plurality of radial openings thereby interrupting fluid communication between the antechamber and the outflow path and a second position allowing fluid communication between the antechamber and the

Application No. 10/758,060
Amendment dated November 21, 2006
Reply to Office Action of August 11, 2006

outflow path.” It is respectfully submitted that Opara fails to disclose this feature of amended claim 19 for the reasons set forth above regarding claim 1. Therefore, Opara is distinguished by claim 19, as well as by claims 20-22 which depend therefrom.

Accordingly, it is respectfully requested that the rejection of claims 1-10 and 12-22 under 35 U.S.C. § 102(b) as being anticipated by Opara, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

Application No. 10/758,060
Amendment dated November 21, 2006
Reply to Office Action of August 11, 2006

and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No.
18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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